

Remarks

The final Office Action dated June 25, 2008 lists the following rejections: claims 1-4, 8-18, and 22-28 stand rejected under 35 U.S.C. § 103(a) over Cote *et al.* (U.S. Patent Pub. No. 2004/0234250) in view of Binford, Jr. *et al.* (U.S. Patent No. 6,285,405) and in further view of Pires (U.S. Patent No. 4,180,829); and claims 5-7 and 19-21 stand rejected under 35 U.S.C. § 103(a) over Cote, Binford, Jr. and Pires, and further in view of Takehiko *et al.* (U.S. Patent No. 6,741,795). Claims 29-56 are noted as being allowed. In this discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 103(a) rejections of claims 1-28 (each of which is based upon Cote in view of Pires) because the Examiner fails to provide sufficient detail regarding the proposed combination of the Cote and Pires references to enable Applicant to determine the propriety of such a combination. In order to comply with 35 U.S.C. § 132, sufficient detail must be provided by the Examiner regarding the alleged correspondence between the claimed invention and the cited reference to enable Applicant to adequately respond to the rejections. *See, also*, 37 CFR 1.104 (“The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.”) and M.P.E.P. § 706.02(j), (“It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”)

In this instance, the Office Action alleges that Cote’s video source signal corresponds to the claimed first signal and that Cote’s audio source signal corresponds to the claimed second signal. *See, e.g.*, Figure 16. The Office Action acknowledges that Cote does not disclose manually reducing, by the user, the time rate of displaying one of the first and second signals while they are displayed on the display apparatus. The Office Action then proposes to modify Cote in some undisclosed manner based on teachings of Pires relating to phase matching first and second television signals (*i.e.*, two video signals) that are displayed on a TV monitor. The cited portions of Pires teach adjusting the phase of the first TV signal displayed on the top half of the monitor relative to the phase of the second TV signal displayed on the bottom half of the monitor so that the two TV signals are synchronized. *See, e.g.*, Figure 4 and Col. 4:44 to Col. 5:7. The Cote

reference, however, has an audio signal and a video signal, not two TV signals as taught by Pires. Applicant submits that the cited teachings of Pires are unrelated and incompatible with Cote's audio and video signals. As such, it is unclear to Applicant how the Examiner is proposing to combine the seemingly disparate teachings of these references.

Moreover, the Examiner fails to provide an adequate reason why the skilled artisan would combine the unrelated teachings of the Cote and Pires references. Applicant submits that the Examiner's asserted basis to combine the references is contrary to the requirements of § 103 and relevant law. In this instance, the Examiner states that it would be obvious to the skilled artisan "to add Pires' phase adjustment to Cote's system in order to allow the user to adjust phase of each television signal ... to assure that the whole display is uniform as to hue and horizontal placement". The cited portions of Cote, however, do not have multiple TV signals but instead teach an audio signal and a video signal as discussed above. As the Cote reference does not have multiple television signals that require synchronization, the Examiner's alleged reason to combine is inapplicable to the Cote reference. Thus, the Examiner has not presented any reason why the skilled artisan would combine the cited teachings of the Pires reference with Cote's Karaoke system. In the event that the Examiner is proposing to modify Cote to include multiple video signal generators, Applicant submits that the Examiner's modification is creating the very problem which is asserted as the reason why the skilled artisan would combine the references.

In view of the above, the § 103(a) rejections of claims 1-28 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the § 103(a) rejections of claims 1-28 (each of which is based upon Cote in view of Binford) because the Examiner has not provided sufficient detail regarding the proposed combination of the Cote and Binford references to enable Applicant to determine how the Examiner is proposing to modify Cote. Applicant has twice previously requested that the Examiner provide clarification regarding how the Examiner is proposing to combine the seemingly unrelated teachings of these references (*see* pages 13-14 of the Response dated May 22, 2008 and page 14 of the Response dated January 11, 2008) to which the Examiner has failed to respond as required. *See, e.g.,*

M.P.E.P. § 707.07(f) (“Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.”). In the instant Office Action, the Examiner continues to rely upon some (as of yet) unrevealed modification of the Cote reference based on teaching of Binford directed to encoding/decoding of audio and video signals and data transmission over a network. As such, Applicant submits that the Examiner should have responded to the substance of Applicant’s previous arguments as required. Applicant further submits that due to the lack of clarification regarding the proposed combination the rejections of claims 1-28 are improper and must be withdrawn.

More specifically, the cited portions of the Binford reference are directed toward the synchronization of audio and video signals that require different amounts of time to code/decode and transmit over a network 114 between various endpoints. *See, e.g.*, Col. 2:1-11 and Col. 4:40-50. Binford measures the actual video encoding and video decoding delay and introduces the measured delay in the audio encoding and audio decoding routines. *See, e.g.*, Col. 5:44-49. Binford further teaches introducing a transmit audio delay so that outbound audio and video signals are synchronized when transmitted to network interface 222. *See, e.g.*, Figure 2 and Col. 5:50-57. In contrast, the cited portions of Cote are directed to Karaoke generating; these portions of Cote do not mention any encoding/decoding of audio and video signals and these portions also do not teach any data transmission over a network between endpoints as in Binford. The Examiner has not provided any detail regarding how these seemingly unrelated teachings of the Cote and Binford references are to be combined and the Examiner has also twice failed to respond to Applicant’s request for clarification. Without such an explanation, Applicant is unable to determine the propriety of the proposed combination.

Moreover, the Examiner fails to provide an adequate reason why the skilled artisan would combine the unrelated teachings of the Cote and Binford references. Applicant submits that the Examiner’s asserted basis to combine the references is contrary to the requirements of § 103 and relevant law. In this instance, the Examiner states that it would be obvious to the skilled artisan “to add Binford’s delay value setting ... to Cote’s system in order to allow the user to adjust phase of each television signal ... to assure that the whole display is uniform as to hue and horizontal placement”. The

cited portions of Cote and Binford, however, do not mention multiple television signals or any need to adjust the phase of such multiple television signals. Applicant submits that the Examiner's motivation appears to be derived solely from the Pires reference and, as such, provides no motivation for combining the cited teachings of Binford with the Cote reference. For example, Binford's teachings directed to encoding/decoding of audio and video signals and data transmission over a network do not in any manner enable the user to adjust the phase of each television signal or assure that the whole display is uniform as to hue and horizontal placement. As such, the Examiner has not presented any reason why the skilled artisan would combine the cited teachings of the Binford reference with Cote's Karaoke system.

In view of the above, the § 103(a) rejections of claims 1-28 are improper and Applicant requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (914) 860-4296 (or the undersigned).

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